

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

SMITH & FONG COMPANY, :

Plaintiff(s), :

Case No. 3:22-CV-42

- vs -

idX CORPORATION et al. , :

District Judge Thomas M. Rose  
Magistrate Judge Caroline Gentry

Defendant(s).

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**PRELIMINARY PRETRIAL CONFERENCE ORDER**

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The preliminary pretrial conference in this case was held as required by Fed. R. Civ. P. 16 by telephone conference call at 9:00 am. on June 29, 2022. All parties of record participated in person or by their trial attorneys.

**PERTINENT SETTINGS**

1. Required disclosures under Fed. R. Civ. P. 26(a)(1): **Completed**
2. Settlement demand by Plaintiff(s) on Defendant to be made by: **January 6, 2023**
3. Not later than the date specified, Plaintiff(s) will furnish to Defendant(s) a medical package, consisting of reports, medical bills, list of special damages, certification of wage loss, hospital bills, hospital records, other bills and expenses, etc. Plaintiff's counsel is under a continuing duty to update or supplement the medical package as further information becomes available : **N/A**
4. Cut-off date for motions to amend the pleadings and to add parties: **November 2, 2022**

5. Cut-off date for motions directed to the pleadings (including motions to dismiss and motions for judgment on the pleadings): **August 23, 2022**
  6. Cut-off date for filing motion to certify class: **N/A**
  7. Date by which parties must identify lay witnesses and provide a synopsis of their testimony: **June 1, 2022**
  8. Dates to reveal the identity of expert witnesses and to provide a copy of the expert's report [Rule 26(a)(2)(B)] or the subject matter and summary of facts and opinions for experts not required to prepare reports [Rule 26(a)(2)(c)] are:
    1. Plaintiff Primary Expert Designations: **January 30, 2023**
    2. Defendant Primary Expert Designations: **January 30, 2023**
    3. Plaintiff Rebuttal Expert Designations: **May 1, 2023**
    4. Defendant Rebuttal Expert Designations: **May 1, 2023**
  9. Cut-off date for making requests for admissions: **March 1, 2023**
  10. Discovery (fact and experts) cut-off: **May 31, 2023**
  11. Telephone status conference following discovery to discuss possible alternative dispute resolution mechanisms: **July 20, 2023**  
**at 9:30 a.m.**
  12. Cut-off date for filing summary judgment motions: **July 31, 2023**
  13. Court's target date for deciding summary judgment motions: **60 days prior to trial**
- The Court will use its best efforts to decide all dispositive motions, particularly summary judgment motions, by this date. The Court's commitment is based on the parties' adhering to deadlines for completing discovery and filing dispositive motions; any extension of those dates will affect the decision date. No trial date will be re-set because the Court is unable to decide the dispositive motions by this date.
14. Cut-off date for filing motions *in limine* with respect to trial testimony: **10 days prior to FPT**
  15. Cut-off date for filing the parties' joint proposed final pretrial order: **10 days prior to FPT**

16. Trial exhibits to be exchanged by: **3 days prior to FPT**
17. Final pretrial conference \_\_\_ by telephone X in chambers  
(All counsel who will participate in trying the case must also participate in the final pretrial conference.): **February 22, 2024**  
**@ 1:30 p.m.**
18. Cut-off date for filing proposed jury instructions, proposed special verdicts or interrogatories, and a joint statement of the case (which must be consistent with the joint proposed final pretrial order): **1 week**  
**prior to trial**
- (Additionally, the joint proposed final pretrial order, jury instructions, special verdicts or interrogatories and joint statement of the case must all be submitted to chambers in Word format, by email.)
19. Transcripts of depositions with designations of testimony to be used: **14 days prior to trial**
20. Cut-off date for filing counter designations in deposition transcripts: **7 days prior to trial**
21. Trial exhibits to be delivered to the courtroom deputy by: **March 20, 2024**
22. Trial on the merits X to a jury \_\_\_ to the Court beginning: **March 25, 2024**  
**@ 9:00 a.m.**
23. Law clerk assigned: **Joseph Brossart**
24. Magistrate Judge assigned: **Caroline Gentry**

The parties should have indicated in their Fed. R. Civ. P. 26(f) report whether they will consent to have the case tried by the Magistrate Judge if the District Judge is not available on the trial date set. If they have not done this, they should notify the District Judge's Courtroom Deputy not later than twenty days from the date of this Order whether or not they will consent on this contingent basis. Consent must be unanimous and declining consent will have no adverse substantive consequences.

**ALL** discovery must be concluded, as opposed to simply being requested, by the discovery deadline. For example, interrogatories, which have a thirty day response time, must be served on the opposing party in sufficient time to allow that party to respond prior to the discovery deadline. In the absence of extraordinary cause, the Court will not extend the discovery deadline if doing so would adversely impact the trial date or the summary judgment filing deadline.

**Limiting Personal Information in Court Records**

The judiciary's privacy policy restricts publication of certain personal data in documents filed with the Court. Therefore, in documents filed with the Court, please (1) limit Social Security and financial account numbers to the last four digits, (2) use only initials for the names of minors, (3) limit dates of birth to the year, and (4) in criminal cases, limit home addresses to city and state. Please do not elicit the omitted information when examining witnesses in open court. If the omitted information is mentioned in open court, please ask to have it stricken or to have the transcript redacted before filing. The Court has authority to enforce the privacy policy on its own motion.

**June 29, 2022**

**s/ Thomas M. Rose**

Thomas M. Rose, Judge  
United States District Court